

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rule making related to hotels and motels and providing an opportunity for public comment

The Inspections and Appeals Department hereby proposes to amend Chapter 30, “Food and Consumer Safety,” and Chapter 37, “Hotel and Motel Inspections,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 10A.104 and 137C.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 10A.104, 17A.7(2) and 137C.7.

Purpose and Summary

The Department completed a review of Chapter 37 in accordance with the requirements of Iowa Code section 17A.7(2). This proposed rule making eliminates redundancy within Chapter 37 by adding references to Iowa Code chapter 137C and removing outdated rules and citations. It also makes conforming changes within Chapter 30.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 3, 2023. Comments should be directed to:

Ashleigh Hackel
Iowa Department of Inspections and Appeals
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: ashleigh.hackel@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **481—30.2(10A,137C,137F)**, definitions of “Bed and breakfast inn” and “Hotel,” as follows:

“*Bed and breakfast inn*” means ~~a hotel which has nine or fewer guest rooms~~ the same as defined in Iowa Code section 137C.2.

“*Hotel*” means ~~any building equipped, used or advertised to the public as a place where sleeping accommodations are rented to temporary or transient guests~~ the same as defined in Iowa Code section 137C.2.

ITEM 2. Amend subrule 30.4(4) as follows:

30.4(4) Hotels. License fees for hotels ~~are based on the number of rooms provided to transient guests (Iowa Code section 137C.9) as follows:~~ shall be as set forth in Iowa Code section 137C.9.

~~a. For 1 to 30 guest rooms—\$50.~~

~~b. For 31 to 100 guest rooms—\$100.~~

~~c. For 101 or more guest rooms—\$150.~~

ITEM 3. Amend subrule 30.8(4) as follows:

30.8(4) Hotels. Hotels shall be inspected ~~at least once biennially~~ in accordance with Iowa Code chapter 137C.

ITEM 4. Amend rule 481—37.2(137C) as follows:

481—37.2(137C) Guest rooms. Hotels built or extensively remodeled, as determined by the department, ~~after January 1, 1979,~~ shall provide ventilation in guest rooms with windows or mechanical devices. The furniture, drapes and accessories shall be kept clean and in good repair.

ITEM 5. Amend rule 481—37.4(137C), introductory paragraph, as follows:

481—37.4(137C) Lavatory facilities. Hotels built or remodeled ~~after January 1, 1979,~~ shall have lavatory facilities in each guest room, except for bed and breakfast inns.

ITEM 6. Rescind and reserve rule **481—37.6(137C).**

ITEM 7. Amend rule 481—37.7(137C) as follows:

481—37.7(137C) Room rates. ~~A list visible to the public posted near the office shall indicate room numbers and floor and the cost per day per person. The cost per day per person shall also be posted in each room.~~ Room rates shall be posted in accordance with Iowa Code chapter 137C.

ITEM 8. Amend rule 481—37.8(137C) as follows:

481—37.8(137C) Inspections. Hotels shall be inspected ~~at least once biennially.~~ ~~An inspector may enter a hotel at any reasonable hour and shall be given free access to every part of the premises for each inspection. The inspector shall receive any help needed to make a thorough and complete inspection in~~ accordance with Iowa Code chapter 137C.

ITEM 9. Amend rule 481—37.9(137C) as follows:

481—37.9(137C) Enforcement. Violation of these rules or any provision of Iowa Code chapter 137C is a simple misdemeanor. The department may employ various remedies if violations are discovered, including suspension or revocation of licenses (Iowa Code section 137C.10), injunction (Iowa Code section 137C.29), or referral for criminal prosecution (Iowa Code chapter 137C).

~~A license may be revoked.~~

~~An injunction may be sought.~~

~~A case may be referred to a county attorney for criminal prosecution.~~

ITEM 10. Amend rule 481—37.10(137C) as follows:

481—37.10(137C) Criminal offense—conviction of license holder.

37.10(1) The department may ~~suspend or~~ revoke the license of a license holder who: conducts an activity constituting a criminal offense as set forth in Iowa Code section 137C.10(3).

~~a. Conducts an activity constituting a criminal offense in the licensed hotel or motel establishment;~~
and

~~b. Is convicted of a felony as a result.~~

37.10(2) The department may ~~suspend or~~ revoke the license of a license holder who:

~~a. Conducts an activity constituting a criminal offense in the licensed hotel or motel establishment;~~
and

~~b. Is convicted of a serious misdemeanor or aggravated misdemeanor as a result.~~

37.10(3) 37.10(2) A certified copy of the final order or judgment of conviction or plea of guilty shall be conclusive evidence of the conviction of the license holder.

~~37.10(4) The department's decision to revoke or suspend a license may be contested by the adversely affected party pursuant to the provisions of 481—30.13(10A).~~

This rule is intended to implement Iowa Code section 137C.10(3).